

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-72

CELESTINE SAMUEL-BLALOCK
aka CELESTINE SAMUEL aka
CELESTINE BLALOCK
1863 North Brea Blvd.
Fullerton, CA 92835

Registered Nurse License No. RN 506208
Public Health Nurse Certificate No. 53214

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 26, 2008

It is so ORDERED November 26, 2008

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804
E-mail: gloria.barrios@doj.ca.gov
7

8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-72

13 CELESTINE SAMUEL-BLALOCK
aka CELESTINE SAMUEL aka
14 CELESTINE BLALOCK
1863 North Brea Blvd.
15 Fullerton, CA 92835

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Registered Nurse License No. RN 506208
Public Health Nurse Certificate No. 53214

17 Respondent.
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:
21

22 **PARTIES**

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Gloria A. Barrios, Supervising Deputy Attorney General.
27

28 ///

2. Celestine Samuel-Blalock aka Celestine Samuel aka Celestine Blalock (Respondent) is represented in this proceeding by attorney Tyrone I. Toczauer, Esq., of McElfish Law Firm, whose address is 1112 North Sherbourne Drive, West Hollywood, CA 90069.

3. On or about November 4, 1994, the Board of Registered Nursing issued Registered Nurse License No. RN 506208 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-72 and will expire on December 31, 2009, unless renewed.

4. On or about January 13, 1995, the Board of Registered Nursing issued Public Health Nurse Certificate No. 53214 to Respondent. The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2008-72 and will expire on December 31, 2009, unless renewed.

JURISDICTION

5. Accusation No. 2008-72 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 30, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-72 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2008-72. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to

/ / /

1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
4 each and every right set forth above.

5 CULPABILITY

6 9. Respondent agrees that the charges and allegations in Accusation No.
7 2008-72, if proven at hearing, constitute cause for imposing discipline on her license and
8 certificate. Respondent hereby specifically declares that as to the First Cause of Action,
9 paragraph 10.b) it was she not the charge nurse who contacted Patient MWL's physician.

10 10. Respondent agrees that her Registered Nurse License and Public Health
11 Nurse Certificate are subject to discipline and she agrees to be bound by the Board's imposition
12 of discipline as set forth in the Disciplinary Order below.

13 11. Respondent understands that she retains all rights under Business and
14 Professions Code section 2760.1.

15 CONTINGENCY

16 12. This stipulation shall be subject to approval by the Board of Registered
17 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
18 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
19 and settlement, without notice to or participation by Respondent or her counsel. By signing the
20 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
21 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
22 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
23 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
24 action between the parties, and the Board shall not be disqualified from further action by having
25 considered this matter.

26 13. The parties understand and agree that facsimile copies of this Stipulated
27 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
28 force and effect as the originals.

1 14. In consideration of the foregoing admissions and stipulations, the parties
2 agree that the Board may, without further notice or formal proceeding, issue and enter the
3 following Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Respondent Celestine Samuel-Blalock aka
6 Celestine Samuel aka Celestine Blalock that her Registered Nurse License and Public Health
7 Nurse Certificate are revoked. The revocation will be stayed and the Respondent placed on three
8 (3) years probation on the following terms and conditions.

9 **Severability Clause.** Each condition of probation contained herein is a separate
10 and distinct condition. If any condition of this Order, or any application thereof, is declared
11 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
12 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
13 and enforceable to the fullest extent permitted by law.

14 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
15 A full and detailed account of any and all violations of law shall be reported by Respondent to
16 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
17 compliance with this condition, Respondent shall submit completed fingerprint forms and
18 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
19 as part of the licensure application process.

20 **Criminal Court Orders:** If Respondent is under criminal court orders, including
21 probation or parole, and the order is violated, this shall be deemed a violation of these probation
22 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

23 2. **Comply with the Board's Probation Program.** Respondent shall fully
24 comply with the conditions of the Probation Program established by the Board and cooperate
25 with representatives of the Board in its monitoring and investigation of the Respondent's
26 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
27 within no more than 15 days of any address change and shall at all times maintain an active,
28 current license status with the Board, including during any period of suspension.

1 Upon successful completion of probation, Respondent's license and certificate
2 shall be fully restored.

3 3. **Report in Person.** Respondent, during the period of probation, shall
4 appear in person at interviews/meetings as directed by the Board or its designated
5 representatives.

6 4. **Residency, Practice, or Licensure Outside of State.** Periods of
7 residency or practice as a registered nurse and/or public health nurse certificate outside of
8 California shall not apply toward a reduction of this probation time period. Respondent's
9 probation is tolled, if and when she resides outside of California. Respondent must provide
10 written notice to the Board within 15 days of any change of residency or practice outside the
11 state, and within 30 days prior to re-establishing residency or returning to practice in this state.

12 Respondent shall provide a list of all states and territories where she has ever been
13 licensed and/or as a registered nurse, public health nurse, vocational nurse, or practical nurse.
14 Respondent shall further provide information regarding the status of each license and any
15 changes in such license status during the term of probation. Respondent shall inform the Board
16 if she applies for or obtains a new nursing license and/or public health certificate during the term
17 of probation.

18 5. **Submit Written Reports.** Respondent, during the period of probation,
19 shall submit or cause to be submitted such written reports/declarations and verification of actions
20 under penalty of perjury, as required by the Board. These reports/declarations shall contain
21 statements relative to Respondent's compliance with all the conditions of the Board's Probation
22 Program. Respondent shall immediately execute all release of information forms as may be
23 required by the Board or its representatives.

24 Respondent shall provide a copy of this Decision to the nursing regulatory agency
25 in every state and territory in which she has a registered nurse license and public health nurse
26 certificate.

27 6. **Function as a Registered Nurse or Public Health Nurse.** Respondent,
28 during the period of probation, shall engage in the practice of registered and/or public health

1 nursing in California for a minimum of 24 hours per week for 6 consecutive months or as
2 determined by the Board.

3 For purposes of compliance with the section, “engage in the practice of registered
4 nursing” may include, when approved by the Board, volunteer work as a registered nurse, or
5 work in any non-direct patient care position that requires licensure as a registered and/or public
6 health nurse.

7 The Board may require that advanced practice nurses engage in advanced practice
8 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
9 Board.

10 If Respondent has not complied with this condition during the probationary term,
11 and Respondent has presented sufficient documentation of her good faith efforts to comply with
12 this condition, and if no other conditions have been violated, the Board, in its discretion, may
13 grant an extension of Respondent’s probation period up to one year without further hearing in
14 order to comply with this condition. During the one year extension, all original conditions of
15 probation shall apply.

16 **7. Employment Approval and Reporting Requirements.** Respondent
17 shall obtain prior approval from the Board before commencing or continuing any employment,
18 paid or voluntary, as a registered and/or public health nurse. Respondent shall cause to be
19 submitted to the Board all performance evaluations and other employment related reports as a
20 registered nurse upon request of the Board.

21 Respondent shall provide a copy of this Decision to her employer and immediate
22 supervisors prior to commencement of any nursing or other health care related employment.

23 In addition to the above, Respondent shall notify the Board in writing within
24 seventy-two (72) hours after she obtains any nursing or other health care related employment.
25 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
26 terminated or separated, regardless of cause, from any nursing, or other health care related
27 employment with a full explanation of the circumstances surrounding the termination or
28 separation.

1 8. **Supervision.** Respondent shall obtain prior approval from the Board
2 regarding Respondent's level of supervision and/or collaboration before commencing or
3 continuing any employment as a registered and/or public health nurse, or education and training
4 that includes patient care.

5 Respondent shall practice only under the direct supervision of a registered and/or
6 public health nurse in good standing (no current discipline) with the Board of Registered
7 Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced
8 practice nurse or physician) are approved.

9 Respondent's level of supervision and/or collaboration may include, but is not
10 limited to the following:

11 (a) Maximum - The individual providing supervision and/or collaboration is
12 present in the patient care area or in any other work setting at all times.

13 (b) Moderate - The individual providing supervision and/or collaboration is in
14 the patient care unit or in any other work setting at least half the hours Respondent works.

15 (c) Minimum - The individual providing supervision and/or collaboration has
16 person-to-person communication with Respondent at least twice during each shift worked.

17 (d) Home Health Care - If Respondent is approved to work in the home health
18 care setting, the individual providing supervision and/or collaboration shall have person-to-
19 person communication with Respondent as required by the Board each work day. Respondent
20 shall maintain telephone or other telecommunication contact with the individual providing
21 supervision and/or collaboration as required by the Board during each work day. The individual
22 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
23 site visits to patients' homes visited by Respondent with or without Respondent present.

24 9. **Employment Limitations.** Respondent shall not work for a nurse's
25 registry, in any private duty position as a registered and/or public health nurse, a temporary nurse
26 placement agency, a traveling nurse, or for an in-house nursing pool.

27 Respondent shall not work for a licensed home health agency as a visiting nurse
28 unless the registered and/or public health nursing supervision and other protections for home

1 visits have been approved by the Board. Respondent shall not work in any other registered
2 nursing occupation where home visits are required.

3 Respondent shall not work in any health care setting as a supervisor of registered
4 and/or public health nurses. The Board may additionally restrict Respondent from supervising
5 licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

6 Respondent shall not work as a faculty member in an approved school of nursing
7 or as an instructor in a Board approved continuing education program.

8 Respondent shall work only on a regularly assigned, identified and predetermined
9 worksite(s) and shall not work in a float capacity.

10 If Respondent is working or intends to work in excess of 40 hours per week, the
11 Board may request documentation to determine whether there should be restrictions on the hours
12 of work.

13 10. **Cost Recovery.** Respondent shall pay to the Board costs associated with
14 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
15 amount of \$5,000.00. Respondent shall be permitted to pay these costs in a payment plan
16 approved by the Board, with payments to be completed no later than three months prior to the
17 end of the probation term.

18 If Respondent has not complied with this condition during the probationary term,
19 and Respondent has presented sufficient documentation of her good faith efforts to comply with
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may
21 grant an extension of Respondent's probation period up to one year without further hearing in
22 order to comply with this condition. During the one year extension, all original conditions of
23 probation will apply.

24 11. **Violation of Probation.** If Respondent violates the conditions of her
25 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
26 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
27 license.

28 ///

1 If during the period of probation, an accusation or petition to revoke probation has been
2 filed against Respondent's license or the Attorney General's Office has been requested to prepare
3 an accusation or petition to revoke probation against Respondent's license, the probationary
4 period shall automatically be extended and shall not expire until the accusation or petition has
5 been acted upon by the Board.

6 12. **License Surrender.** During Respondent's term of probation, if she ceases
7 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
8 probation, Respondent may surrender her license to the Board. The Board reserves the right to
9 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
10 take any other action deemed appropriate and reasonable under the circumstances, without
11 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
12 will no longer be subject to the conditions of probation.

13 Surrender of Respondent's license shall be considered a disciplinary action and
14 shall become a part of Respondent's license history with the Board. A registered nurse whose
15 license has been surrendered may petition the Board for reinstatement no sooner than the
16 following minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any
18 reason other than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tyrone I. Toczauer. I understand the stipulation and the effect it will have on my Registered Nurse License and Public Health Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 7.25.2008

Celestine Samuel-Blalock

CELESTINE SAMUEL-BLALOCK aka CELESTINE
SAMUEL aka CELESTINE BLALOCK
Respondent

I concur with this stipulated settlement.

DATED: 7/29/08

Tyrone I. Toczauer
TYRONE I. TOCZAUER
Attorney for Respondent

///

///

///

///

///

///

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 8/8/08

EDMUND G. BROWN JR., Attorney General
of the State of California

ALFREDO TERRAZAS
Senior Assistant Attorney General



GLORIA A. BARRIOS
Supervising Deputy Attorney General
Attorneys for Complainant

Matter ID Number: LA2005601293
SAM.STIP.WPD

Exhibit A
Accusation No. 2008-72

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2540
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-72

12 CELESTINE SAMUEL BLALOCK
a.k.a., CELESTINE SAMUEL
13 a.k.a., CELESTINE BLALOCK
1863 North Brea Blvd.
14 Fullerton, CA 92835

A C C U S A T I O N

15 Registered Nurse License No. 506208
Public Health Nurse Certificate No. 53214

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 (Board), Department of Consumer Affairs.

23 2. On or about November 4, 1994, the Board issued Registered Nurse
24 License No. 506208 to Celestine Samuel Blalock, also known as, Celestine Samuel, and
25 Celestine Blalock, (Respondent). The Registered Nurse License was in full force and effect at
26 all times relevant to the charges brought herein and will expire on December 31, 2007, unless
27 renewed.

3. On or about January 13, 1995, the Board issued Public Health Nurse Certificate No. 53214 to Respondent. The Public Health Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2007, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

• • • •

“(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.”

8. California Code of Regulations, title 16, section 1442, states:

“As used in Section 2761 of the code, “gross negligence” includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.”

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

10. Respondent's license is subject to disciplinary action under section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that while working, as a registered nurse, at Cedars Sinai Medical Center, in Los Angeles, Respondent demonstrated gross negligence as follows:

a. On or about May 24, 2000, Respondent was assigned to Patient M.W.L. (MWL). MWL had been acutely ill and hospitalized for some time. Respondent noticed that MWL was minimally responsive to her name, somnolent, and very lethargic that evening. Pursuant to protocol for Cedar Sinai Medical Center, Respondent monitored MWL's condition throughout the remainder of her shift.

b. On or about May 25, 2000, at 3:10 a.m., Respondent checked MWL's condition and found that she was not breathing. Respondent took MWL's vital signs and found that she had expired. Respondent failed to start resuscitative measures and call a "Code Blue" (Cedars Policy- "Emergency Life Support; Code Blue and Yellow), pursuant to hospital policy. Respondent returned to the nurses station and reported MWL's passing to the charge nurse, who contacted MWL's physician. MWL's physician insisted that a "Code Blue" be called. A "Code

1 Blue" was called within minutes, after MWL had expired. MWL's condition did not change and
2 she was pronounced dead at 3:40 a.m.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct)

5 11. Respondent's license is subject to disciplinary action under section 2761,
6 subdivisions (a) and (d), on the grounds of unprofessional conduct, in that while working, as a
7 registered nurse, at Cedars Sinai Medical Center, in Los Angeles, Respondent was negligent and
8 her performance was unsatisfactory, in connection with MWL's death, as more fully set forth
9 above in paragraph 10.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board issue a decision:


13 1. Revoking or suspending Registered Nurse License No. 506208, issued to
14 Celestine Samuel Blalock, also known as, Celestine Samuel, and Celestine Blalock.

15 2. Revoking or suspending Public Health Nurse Certificate No. 53214, issued
16 to Celestine Samuel Blalock, also known as, Celestine Samuel, and Celestine Blalock.

17 3. Ordering Celestine Samuel Blalock, also known as, Celestine Samuel, and
18 Celestine Blalock, to pay the Board the reasonable costs of the investigation and enforcement of
19 this case, pursuant to Business and Professions Code section 125.3;

20 4. Taking such other and further action as deemed necessary and proper.

21 DATED: 8/23/07

22 
23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
State of California
Complainant

26 LA2006600352

~3207099.WPD

jz(8/8/06)

(MRG Edits

4/30/07)

jz-revised (8/22/07)